

MPEP §808 states that every requirement to restrict has two aspects, namely:

- (A) The reasons (as distinguished from the mere statements of conclusion) why each invention as claimed is either independent or distinct from the others; and
- (B) The reasons why there would be a serious burden on the Examiner if restriction is not required.

Section 2. of the Office Action sets forth a number of reasons why a serious burden might be present, and alleges that at least one of them is applicable to the current situation. However, the Office Action does not comply with requirement (A) set forth above, since it does not include any reason why each of the identified inventions is considered to be either independent or distinct from the other identified inventions.

Applicants respectfully submit that they are entitled to a complete Office Action before they should be required to make an election. If the reasons for insisting upon restriction are improper, the Applicants are entitled to traverse the requirement. However, if the Office Action is devoid of such reasons, and based only on conclusions, Applicants are denied the opportunity to traverse the requirement.

Accordingly, Applicants respectfully request that a new, complete, Office Action be issued, to provide them with an adequate opportunity to review the reasons for insisting upon restriction, and submit an appropriate response thereto.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 21, 2008

By: /jamesalabarre/  
James A. LaBarre  
Registration No. 28632

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620